

Claim 16 wherein said article of furniture has a predetermined number of sides and said plurality of sidewalls of said receptacle unit are equal in number to the number of sides of said article of furniture, and said receptacle is oriented relative to said article of furniture such that each of said plurality of sidewalls of said receptacle unit faces a different one of said sides of said article of furniture.

31 Claim 18. (amended) The article of furniture as claimed in Claim 16 wherein said receptacle unit defines a periphery therearound, and said receptacle unit and said top surface of said article of furniture are oriented such that a gap is defined between the [entire] periphery of said receptacle unit and said top surface of said article of furniture when said receptacle unit is in said retracted position received in said opening in said top surface of said article of furniture.

REMARKS

Applicant has carefully reviewed the Official Action dated March 10, 1998.

Applicant notes that a Preliminary Amendment directed to the form of the pending claims was filed on December 22, 1997. The Official Action does not acknowledge receipt of the Preliminary Amendment, the undersigned requests that the Examiner acknowledge

that the Preliminary Amendment has been received, considered, and entered in this patent application.

At page 2, paragraph 1 of the Official Action, the Examiner has objected to the drawings under 37 C.F.R. 1.83(a) on the grounds that the drawings do not illustrate all features recited in the claims. Applicant respectfully requests that this objection be held in abeyance, pursuant to 37 C.F.R. 1.111(b), until such time as the application is otherwise in condition for allowance. At that time, Applicant will take the appropriate action in response to this objection. Applicant respectfully submits that correction of the objection to the drawing at this time is not necessary for further consideration of this patent application on the merits.

At page 2, paragraph 2 of the Official Action, the Examiner has objected to Claims 4 and 12 as a result of certain minor informalities in the claims. Claim 4 has been amended to overcome the objections specifically noted by the Examiner.

Applicant respectfully requests reconsideration and withdrawal of the objection raised against Claim 12 on the grounds that Claim 12 contains the same limitations as Claim 3. The scope of Claims 12 and 3 are different - Claim 12 recites a receptacle unit having a plurality of sidewalls, each of the sidewalls carrying at least one receptacle, while Claim 3 further recites that each of the sidewalls are recessed inwardly relative

to the outer surface of the top of the receptacle unit. This latter recitation of Claim 3 is not included in Claim 12, and thus the claims do not have the same limitations.

At paragraphs 4 - 6 of the Official Action, the Examiner has rejected Claims 4, 5, 7 - 11, 17 and 18 under 35 U.S.C. Section 112, second paragraph, as being indefinite. With respect to the Examiner's comments at paragraph 5 of the Official Action, the gap space between the top of the receptacle unit and the top surface of the article of furniture is provided by dimensioning the top of the receptacle unit to have a smaller peripheral dimension than that of the opening in the top surface of the article of furniture so that a space or gap is provided between the smaller outer periphery of the top of the receptacle unit and the larger periphery of the opening in the top surface of the article of furniture.

Still referring to paragraph 5 of the Official Action, the Examiner questions the recitations of "housing", and "means for coupling said housing" in Claim 7. However, these recitations are not included in Claim 7, and the undersigned respectfully requests further clarification from the Examiner. With regard to the recitation "means for at least partially covering said gap" recited in Claim 7, as discussed in the specification, a screen or brush can be provided to extend over the gap space between the periphery of the top of the receptacle housing and the top surface of the furniture unit when the receptacle unit is

received in its retracted position within the opening in the top surface of the furniture unit. As recited in Claims 8 and 9, and as also discussed in the specification, such means can include a "brush" or a "screen", both of which will prevent articles of certain size (greater than the openings in the screen or wider than the spaces between the brush elements) from falling into the gap defined between the periphery of the top of the receptacle unit and the opening in the article of furniture when the receptacle unit is received in its retracted position within the opening in the top surface of the article of furniture. The brush and the screen provide an obstacle which prevent these articles from falling into the gap. With regard to Claim 11, brush elements or portions of a screen can be mounted to the outer sides 22 of the top 24 of the receptacle unit as best shown by the receptacle unit in its extended position illustrated towards the right of Figure 1 of the drawing. If the brush elements or screen portions are mounted to the outer sides 22, they will be elevated or lowered together with the top 24 of the receptacle unit, thereby extending over the gap between the sides 22 of the top of the receptacle unit and the top surface of the article of furniture when the receptacle unit is lowered into its retracted position as illustrated to the left of Figure 1 of the drawing.

Applicant respectfully submits that the recitations in the claims referred to by the Examiner at paragraph 5 of the Official Action sufficiently point out and distinctly claim the subject

matter which Applicant regards as his invention in a manner which will be clearly understood by a person of ordinary skill in the relevant art. Applicant therefore respectfully requests that these formal grounds of rejection be reconsidered and withdrawn.

At page 3, paragraph 6 of the Official Action, the Examiner has objected to certain recitations in Claims 4, 17, and 18 as lacking antecedent basis in the claims. Applicant has amended these claims to overcome the formal grounds of rejection. Applicant respectfully submits that the form of these claims, as amended herein, complies with 35 U.S.C. Section 112, second paragraph, in all respects.

At page 3, paragraph 8 of the Official Action, Claims 1 - 3, 6 and 16 have been rejected as being anticipated by United States Patent No. 4,747,788 (Byrne). At page 4, paragraph 9 of the Official Action, Claims 19 and 20 have been rejected as being anticipated by United States Patent No. 4,511,198 (Mitchell et al). At page 4, paragraph 11 of the Official Action, Claims 4, 5, 7, 8, 10, 13 - 15, and 17 - 18 have been rejected as being obvious over the Byrne patent (presumably U.S. Patent No. 4,747,788, the same Byrne patent applied to reject Claims 1 - 3, 6 and 16).

Applicant initially notes that no prior art rejections have been raised against Claims 9, 11, or 12. Although the last sentence of paragraph 11 of the Official Action refers generally

to a group of claims including Claims 9 and 11, this is inconsistent with the first sentence of paragraph 11 which does not raise any rejection against Claims 9 or 11. In any event, the rejection under 35 U.S.C. Section 103 will be discussed in greater detail below.

Turning first to the rejection of Claims 1 - 3, 6 and 16 as being anticipated by Byrne '788, the disclosure of Byrne does not anticipate independent Claim 1 which expressly recites that the top surface of the receptacle unit is substantially planar with the top surface of an article of furniture when the receptacle unit is in its retracted position. As disclosed in the Byrne patent, when the slideable power cartridge 150 is in its retracted position within an opening in an article of furniture, the outer perimeter of a collar 116 of the housing 108 is positioned above a work surface 104 so that the collar provides a supporting surface for a housing 108. See Figure 1 of the drawing, and Column 7, lines 8 - 13 of the specification. Therefore, the receptacle unit disclosed by Byrne is not substantially planar with the top surface of the article of furniture when the receptacle is in its retracted position.

Dependent Claim 3 recites that the receptacle unit includes a plurality of sidewalls, and each of the sidewalls have at least one receptacle therein. On the contrary, the device disclosed by the Byrne patent has only a single sidewall on the movable power carriage 150 which defines at least one receptacle.

Dependent Claim 6 expressly recites means for resiliently biasing the receptacle unit into an extended position, and cooperating releasable locking means for opposing said means for resiliently biasing the receptacle into its extended position. The Byrne patent does not disclose any means for resiliently biasing the movable power carriage into its extended position. The "means for biasing 148" referred to at paragraph 8 of the Official Action is incorrect, since element 148 of the Byrne patent discloses a plurality of grooves (see Column 8, lines 34 - 42), and not means for resiliently biasing.

Claim 16 recites that the top of the receptacle unit is substantially planar with the top surface with the article of furniture when the receptacle unit is in its retracted position. As discussed with respect to Claim 1, the Byrne patent discloses a device in which a collar on a housing for a receptacle unit overhangs the top of a work surface on which the unit is mounted. Accordingly, Byrne does not meet the "substantially planar" limitation of independent Claim 16.

Applicant submits, for the reasons discussed above, that Claims 1, 3, 6 and 16 are not anticipated by the applied Byrne patent. It is well established that a rejection based upon anticipation requires the Patent & Trademark Office to establish a strict identity of invention between each rejected claim and the applied prior art reference. A rejection based on anticipation is not proper unless a single applied prior art

reference discloses all features of each rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

Applicant respectfully submits, for the reasons discussed above, that there is clearly no strict identity of invention between Claims 1, 3, 6 and 16, and the Byrne patent. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of these claims as being anticipated by Byrne. Dependent Claim 2, which depends from Claim 1 and thus includes all features of the parent claim, is allowable at least for the same reasons as independent Claim 1.

Turning to the rejection of Claims 19 and 20 as being anticipated by Mitchell et al (paragraph 9 of the Official Action), the Examiner states that Mitchell discloses an article of furniture 10 with a top surface 12, a receptacle unit 30, with a top 50 and a receptacle 48 and a housing 50 mounted on the underside of furniture 10. Applicant respectfully disagrees with this assessment of the prior art. The housing 50 referred to in the Mitchell et al patent is a dielectric housing 50 for a receptacle 48 (See Column 4, lines 41 - 55 of the Mitchell et al specification). As can be seen from comparing Figure 2 to Figure 3, element 50 is movable between a position in which it is beneath the top surface of a working surface 12 (Figure 2) and above the top surface of the working surface 12 (Figure 3). Therefore, element 50 is not a housing mounted to an underside of

the top surface of an article of furniture, as expressly recited in independent Claim 19.

As discussed above, with respect to the rejections of Claims 1 - 3, 6 and 16, a rejection of a claim as being anticipated by an applied prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the applied reference and the rejected claim. For the reasons discussed herein, the rejection of independent Claim 19 has not established a strict identity of invention between that claim and the Mitchell et al patent. Applicant therefore respectfully submits that independent Claim 19 is allowable over the prior art applied to reject it in the Official Action. Dependent Claim 20, which depends from Claim 19 and includes all features of that claim, is allowable at least for the same reasons as parent independent Claim 19.

At page 4, paragraph 11 of the Official Action, Claims 4, 5, 7, 8, 10, 13 - 15, 17 and 18 have been rejected as being obvious over the Byrne patent. Claims 4 - 5, 7 - 8, 10, and 13 - 15 depend directly or indirectly from independent Claim 1, and thus include all features of that claim. Applicant submits that independent Claim 1 is allowable for the reasons previously discussed herein, and thus Claims 4 - 5, 7 - 8, 10, and 13 - 15 are allowable at least for the same reasons as independent Claim 1. Similarly, Claims 17 and 18 depend from independent Claim 16, which is believed to be allowable for reasons previously

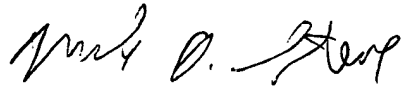
discussed herein. Accordingly, Claims 17 - 18 are allowable at least for the same reasons discussed with respect to independent Claim 16.

In addition to the above, paragraph 11 of the Official Action states, in support of the rejection of the claims, that the Byrne patent discloses a gap space 166 to permit transmission lines to extend therethrough. Referring to Column 9, lines 10 - 15 of the Byrne specification, this patent states that reference numeral 166 designates a power cord opening between the upper cover plate 162 and the second cover plate 164, or at the opposing end of the cover plate 164. However, Applicant's claims recite a gap space defined between the outer surface of the top of the receptacle and the top surface of the article of furniture when the receptacle is in its retracted position received within an opening defined in the article of furniture. The power cord opening 166 disclosed in the Byrne patent does not teach or suggest this feature claimed by Applicant. As previously discussed with respect to the rejection of claims at paragraph 8 of the Official Action, the Byrne patent discloses a housing for the receptacle unit having a collar 116 which overhangs the top of the work surface, thereby teaching against a gap defined between the outer surface of the receptacle unit and the top surface of the article of furniture into which the receptacle unit is retractable.

Applicant notes that although the obviousness rejection made in paragraph 11 of the Official Action is based exclusively on the Byrne patent, the rejection makes reference to "Lee" (at line 5 of paragraph 11) which is not identified in the Official Action. Applicant respectfully requests clarification.

For the reasons discussed herein, Applicant respectfully submits that all claims are in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,



Mark P. Stone
Attorney for Applicant
Reg. No. 27,954
(203) 329-3355